

Message Text

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ACTION L-03

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E.O. 11652: N/A

TAGS: PFOR, UNGA, UR

SUBJ: SIXTH COMITE (LEGAL) - NON-USE OF FORCE

SUMMARY: COMITE CONTINUED ITS DEBATES ON NOVEMBER 23 WITH STATEMENTS BY BRAZIL, GREECE, BYELORUSSIA, GREECE, SENEGAL, NETHERLANDS, DENMARK, FRANCE, LIBYA, AND USSR. END SUMMARY.

1. BRAZIL (SETTE CAMARA) SAID THE OBLIGATION TO REFRAIN FROM USE OF FORCE WAS ALREADY ENSHRINED IN THE CHARTER. SAID THE LOCARNO TREATY, THE LEAGUE OF NATIONS, THE BRIAND-KELLOGG PACT AND OTHER TREATIES HAVE CODIFIED NON-USE OF FORCE (NUF) PRINCIPLE; SAID VARIOUS UNGA RESOLUTIONS HAD REAFFIRMED THE PRINCIPLE. BECAUSE SUCH A WIDE BODY OF LAW ALREADY EXISTED, ANY FURTHER PROPOSAL REQUIRED LEGAL CONSIDERATION. CONCLUDED THAT DISARMAMENT WAS THE ONLY REAL WAY TO GUARANTEE NUF. WITHOUT DISARMAMENT, SAID ADDITIONAL STATEMENTS ARE MEANINGLESS.

2. GREECE SAID IT WOULD SUPPORT ANY PROPOSAL REAFFIRMING PRINCIPLES OF THE CHARTER. ADDED THAT THE DRAFT TREATY WOULD BE GRATELY IMPROVED IF SOME PROCEDURES FOR THE SETTLEMENT OF DISPUTES WERE INCLUDED AND THE RIGHT OF SELF-DEFENSE SPECIFIED.

3. BYELORUSSIA SAID A TREATY WOULD STRENGTHEN THE CHARTER, REASSURE WEAKER STATES AND RE-ENFORCE DETENTE.

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4. SENEGAL SAID EXISTENCE OF ARMS RACE AND ARMED CONFLICTS CANNOT BE DENIED. THEREFORE SAID NEW DECLARATION AGAINST NUF APPROPRIATE, BUT MUST BE ACCOMPANIED BY POLITICAL WILL. ALSO SAID DRAFT TREATY ON NUF SHOULD PROHIBIT NON-MILITARY ATTEMPTS TO INFLUENCE POLICIES OF COUNTRIES.

5. NETHERLANDS SAIS REITERATION IN A TREATY OF CHARTER PRINCIPLES WOULD BE COUNTERPRODUCTIVE. SAID THERE WERE LEGAL PROBLEMS IN THE SOVIET DRAFT, SUCH AS THE SUGGESTION IN ARTICLE 3 THAT A PREVIOUS AGREEMENT MIGHT SUPERSEDE CHARTER PRINCIPLES. SAID THAT WHAT WAS NEEDED TO INSURE PEACE AND SECURITY WAS NOT A NEW DECLARATION BUT INTERNATIONAL COOPERATION AND DISARMAMENT. CALLED FOR CONCENTRATION ON PEACEFUL SETTLEMENT OF DISPUTES AS MORE USEFUL AREA OF CONCERN.

6. DENMARK SAID THE DRAFT TREATY ADDS NOTHING TO THE CHARTER, AND HAS LEGAL PROBLEMS SUCH AS FAILURE TO SPECIFY RIGHTS OF SELF-DEFENSE. SAID FURTHER CONSIDERATION OF THE LEGAL PROBLEMS OF THE DRAFT WAS NECESSARY. SAID PROGRESS ON DISARMAMENT WOULD BE MORE HELPFUL THAN NEW DECLARATION OF PRINCIPLE.

7. FRANCE SAID CHARTER IS THE PRINCIPAL ELEMENT IN INTERNATIONAL LAW, FULLY ENSHRINES THE PRINCIPLE OF NUF, AND RETAINS ITS FULL FORCE. SAID THE DANGER OF THE SOVIET DRAFT TREATY IS THAT IT REAFFIRMS CERTAIN PARTS OF THE CHARTER RELATING TO NUF BUT IGNORES THE CHARTER PROVISIONS RELATING TO PEACEFUL SETTLEMENT OF DISPUTES, SC POWERS, AND THE RIGHT OF SELF-DEFENSE. URGED THAT THE PRINCIPLE OF NUF NOT BE TAKEN OUT OF CHARTER CONTEXT.

8. LIBYA SAID WOULD SUPPORT ANY MOVE TO STRENGTHEN INTERNATIONAL PEACE AND SECURITY. URGED THAT THE SOVIET DRAFT TREATY BE AMENDED TO EXPLICITLY REFLECT THE RIGHT OF SELF-DEFENSE AND THE RIGHT OF PEOPLE TO FREE THEMSELVES FROM COLONIAL DOMINATION.

9. USSR (KUZNETSOV) INTERVENED FOR SECOND TIME TO RESPOND TO STATEMENTS MADE BY WESTERN STATES. SAID THE DRAFT TREATY DOES NOT AND COULD NOT CHANGE THE CHARTER. SAID THAT IT WAS MEANT TO CONSOLIDATE PRINCIPLES REFLECTED IN THE CHARTER. SAID THAT JUST AS THE COVENANTS ON HUMAN RIGHTS DID NOT WEAKEN THE CHARTER SO A WORLD TREATY ON NUF WOULD NOT WEAKEN THE

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CHARTER. SAID TREATY WAS MANDATED BY RECENT DEVELOPMENTS. REFERRED TO SPECIFIC LANGUAGE IN DRAFT TREATY OUTLIVING USE OF WEAPONS IN OUTER SPACE AND THE PROHIBITION ON USE OF NUCLEAR WEAPONS AS PROGRESSIVE DEVELOPMENT OF CHARTER. SAID TREATY IS BETTER THAN DECLARATION BECAUSE IT HAS BINDING FORCE. CONCLUDED THAT NEGATIVE REMARKS OF STATES ARE INCONSISTENT WITH NEW INTERNATIONAL ATMOSPHERE AND DETENTE. URGED SIXTH COMITE TO NOTE THE DECISION OF THE GA AND TO SEND ITS REPORT TO THE GA.

ARGUED THAT IT WOULD BE PREMATURE TO DECIDE AT THIS TIME HOW
THE ITEM SHOULD BE ALLOCATED IN FUTURE SESSIONS.

10. WE ANTICIPATE CONCLUSION OF ITEM ON AGREED LINES NOV. 25.
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